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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,309	02/09/2006	Samantha Jane O'Keefe	5001/0108PUS1	6328
77032	7590	11/21/2008	EXAMINER	
Joe McKinney Muncy PO Box 1364 Fairfax, VA 22038-1364			MCNALLY, DANIEL	
			ART UNIT	PAPER NUMBER
			1791	
			MAIL DATE	DELIVERY MODE
			11/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,309

Applicant(s)

O'KEEFE ET AL.

Examiner

DANIEL MCNALLY

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 9, 10, 11 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Camp [US2253059, of record, previously cited] for the same reasons expressed in paragraph 3 of the Office action mailed 3/6/2008.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camp in view of Pilgrim [US447300, of record, previously cited] for the same reasons expressed in paragraph 5 of the Office action mailed 3/6/2008.
6. Claims 1, 2, 9, 10, 11, 13, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Camp in view of Wittbold et al. [US6494609, of record, previously cited] for the same reasons expressed in paragraph 6 of the Office action mailed 3/6/2008.
7. Claims 3, 4, 5, 8, 14, 15, 16, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Camp or Camp in view of Wittbold, and further in view of Amano et al. [US5246163, of record, previously cited] for the same reasons expressed in paragraph 7 of the Office action mailed 3/6/2008.
8. Claims 5, 6, 7, 8, 16, 17, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Camp or Camp in view of Wittbold, and further in view of Plemons et al. [US3343818, of record, previously cited] for the same reasons expressed in paragraph 8 of the Office action mailed 3/6/2008.
9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Camp or Camp in view of Wittbold, and further in view Stiling [US4176972, of record, previously cited] for the same reasons expressed in paragraph 9 of the Office action mailed 3/6/2008.

Response to Arguments

10. Applicant's arguments filed 9/8/2008 have been fully considered but they are not persuasive. Applicant argues Camp does not anticipate the claimed invention because

the location of the pipe (39) is clearly not the entrance to the mixer outlet. Applicant's arguments are not commensurate with the scope of the claim. Claim 1 merely requires inserting the accelerator into the slurry "at or close to said outlet." The claim does not exclusively require inserting the additive at the entrance to the mixer outlet, rather the claim can require inserting the additive close to the outlet. As shown in Figure 2 the inlet pipe (39) is considered to be close to the outlet (37). For example it appears additives added at pipe (39) would be closer to the outlet than additives inserted at pipe (38) because the materials inserted at (38) will have to travel past (39) before exiting the outlet.

Applicant argues the invention is not obvious in view of Camp. Applicant again argues it is extremely advantageous to introduce the accelerator right at the point of exit from the mixer onto the support. However this argument is not commensurate with the scope of the claims which merely requires the additive is introduced close to the exit. Applicant also argues one of ordinary skill would not have been motivated to use the rings of Camp when dispensing so that the accelerator would be added directly at the outlet where the turbulence is the highest. Applicant also asserts the present invention recognizes inputting the accelerator at the point of the process that provides for the most agitation. These arguments are not commensurate with the scope of the claim. The claims do not require inserting the accelerator at the point with the most agitation or the highest level of turbulence. The claims merely require a turbulent state. The slurry of Camp is sufficiently turbulent to mix the additive with the slurry.

Applicant argues the combination of Camp and Wittbold. Applicant argues Wittbold teaches away from introducing an additive so close to the mixer outlet because the foam undesirably would be introduced in a turbulent state. Applicant asserts the invention recognizes introducing the accelerator right at the point of exit from the mixer, that the accelerator needs efficient mixing in a way that other additives do not, and that exit of the mixer provides a high level of agitation and turbulence. Again the applicant's arguments are not commensurate with the scope of the claims. The claims do not specifically require introducing the accelerator right at the point of exit from the mixer. The claims do not require a specific amount of mixing for the additives. The claims do not require a high level of agitation or turbulence. Wittbold teaches the additives are uniformly mixed but not excessively agitated; this does not preclude all agitation. Wittbold explicitly recites the inlet is "close to the outlet" (column 5, lines 45-47) as required by the claims. .

All of the arguments have been addressed and the previous art rejections are maintained. Applicant does not address the application and reasons for applying the secondary references other than Wittbold. It is assumed the applicant agrees with the Office's interpretation and reasons for applying the secondary references other than Wittbold.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MCNALLY whose telephone number is (571)272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel McNally/
Examiner, Art Unit 1791

/John L. Goff/
Primary Examiner, Art Unit 1791

/DPM/
November 10, 2008